

**District II Advisory Board Minutes**  
**January 6, 2003**  
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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9<sup>th</sup> Street North.

**Members Present**

Council Member Joe Pisciotte  
Martha Bruce Fair  
Michele Chauncey  
Charlotte Foster  
John Fuller  
Tim Goodpasture  
Shirley Jefferson  
Joe Johnson  
Mike Jones  
Joe Patrick\*  
Max Weddle\*

**Members Absent**

Marla Flentje  
Larry Frutiger  
Ray Hinderliter\*  
Kathy Wegner

**Staff Present**

Carl Gipson, MAPD  
Donte Martin, CMO  
Jess McNeely, MAPD

**Guests**

Kim Edgington  
Charles Harris  
Jim Maxwell  
Jo Maxwell  
Jay McLeod  
Trudy McLeod  
Ray Raymos  
Steve Roberts

**\* Denotes an alternate DAB member**

**ORDER OF BUSINESS**

**Call to Order**

The meeting was called to order at 7:00.

**Approval of Minutes**

The minutes of the November 18, 2002 & December 2, 2002 DAB II meetings were approved as submitted (Johnson/Bruce Fair).

**Approval of Agenda**

The agenda for the January 6, 2003 DAB II meeting was approved as submitted (Johnson /Chauncey).

## **PUBLIC AGENDA**

### **1. Scheduled items**

No items submitted.

### **2. Off-agenda items**

**Ray Raymos** addressed the DAB concerning Windsor Lakes matching grant application. Mr. Raymos offered his assistance to the DAB as the Windsor Lakes application is evaluated.

## **PLANNING AGENDA**

### **4. SUB 2002-134 – Ann Walenta Addition**

**THIS CASE WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT’S AGENT**

**Action Taken: Withdrawn.**

### **5. ZON 2002-00057 & CUP 2002-00039**

On December 2nd 2002, District Advisory Board II (DAB II) originally heard this request. Neighbors voiced concerns about the current traffic on Woodlawn at this location, and the additional traffic that this request could generate. The DAB members voted 8-0 to recommend approval of the proposed zone change and CUP creation, subject to staff recommendation of the following conditions: subject to platting within one year, and the following conditions in addition to the proposed CUP:

1. The applicant shall add “convenience stores”, and “drive-through food service” to the list of prohibited uses in the CUP.
2. Dedication of 20 feet of right of way on Woodlawn, one opening aligned with 17<sup>th</sup> with full movement and a decel lane, a right-in/right-out only opening centered between the full movement opening and the Hebrew Congregation opening, and a improvement to create a 5<sup>th</sup> turn lane on Woodlawn, with a raised center median on Woodlawn across from the right in/right out opening, the applicant assuming their share of all improvements on Woodlawn.
3. As a part of plat approval, the applicant shall conduct a limited traffic study. Based on the findings of that study, the applicant shall propose a sequenced plan for the required improvements on Woodlawn. The proposed improvement plan shall be approved at the time of platting.
4. If the 17<sup>th</sup> Street intersection is determined to require signalization, the developer shall guarantee the signalization.

At the DAB hearing, the agent for the applicant presented a CUP document demonstrating a code required screen wall on the north and south property lines of the application area. The agent did not

indicate any opposition to staff's proposed conditions. When discussing traffic issues related to the request, the agent stated that drive-through restaurants (as a high traffic-generating use) would not be a part of the application.

At the December 5, 2002 Metropolitan Area Planning Commission (MAPC) hearing, the agent for the applicant presented the same application with the following changes: request that the south property line screen wall requirement be waived; and request that "convenience stores", and "drive-through food service" be permitted uses in the CUP. No neighbors or other members of the public attended the MAPC hearing on this request. MAPC approved the request, with the changes requested by the applicant: subject to platting within one year, and the following conditions in addition to the proposed CUP:

1. The Unified Zoning Code CUP requirement for a screen wall on the south property line shall be waived.
2. Dedication of 20 feet of right of way on Woodlawn, one opening aligned with 17<sup>th</sup> with full movement and a decel lane, a right-in/right-out only opening centered between the full movement opening and the Hebrew Congregation opening, and a improvement to create a 5<sup>th</sup> turn lane on Woodlawn, with a raised center median on Woodlawn across from the right in/right out opening, the applicant assuming their share of all improvements on Woodlawn.
3. As a part of plat approval, the applicant shall conduct a limited traffic study. Based on the findings of that study, the applicant shall propose a sequenced plan for the required improvements on Woodlawn. The proposed improvement plan shall be approved at the time of platting.
4. If the 17<sup>th</sup> Street intersection is determined to require signalization, the developer shall guarantee the signalization.

Because of significant changes to the applicant's request, MAPD sent this item back to DAB II to allow for public hearing and input on the changes to the applicant's request.

**Jess McNeely**, MAPD, detailed the history of this case and stood for questions.

**Kim Edgington**, agent for the applicant, addressed the DAB and stated that the applicant decided to pursue the requested changes after the DAB meeting. Edgington assured the DAB that this was not an effort to mislead DAB II at their December 2, 2002 meeting.

**Michele Chauncey** asked why the applicant would like to change the screening requirement.

**Edgington** responded that cost considerations are a factor and that the screening wall would be in close proximity to office buildings that effectively serve as screening walls.

**Tim Goodpasture** asked what sites have used buildings to provide required screening in lieu of a screening wall. **Edgington** replied this has been done in Bradley Fair as well as several developments out west.

**Goodpasture** asked if a temporary screening wall would be a viable solution. **Edgington** responded that this hadn't been considered but may be a cost-effective solution.

Citizens in attendance expressed the following concerns: 1) convenience stores and drive-thru restaurants would worsen the traffic situation; 2) the distance from the nearest building to adjacent homes; and 3) potential increases in traffic.

**Kim Edgington** stated the applicant would be willing to prohibit convenience and drive-thru uses if necessary and that the nearest building would be at least 215 ft. from any residences.

**McNeeley** added that a traffic study would be completed.

**Mike Jones (Foster)** moved to affirm the **December 2, 2002 approval** of the proposed zone change and CUP creation without change. The motion passed (8-0).

**Action Taken: Approved as originally submitted.**

**Council Member Pisciotte** thanked MAPD for sending this case back to DAB II. Pisciotte stated that DAB II is concerned with maintaining the integrity of the DAB recommendation process. Changes made after DAB meetings but prior to MAPC may prevent the DAB from making recommendations that adequately address citizen concerns.

## **BOARD AGENDA**

### **6. Updates, Issues, and Reports**

No items were submitted

### **7. Next Meeting**

The next regularly scheduled DAB II meeting will be February 3, 2003 at the Rockwell Branch Library.

**With no further business the meeting adjourned at 8:15 p.m.**

Respectfully submitted,

Donte Martin  
Neighborhood Assistant  
District II